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Remarks:

*Regarding the rejection of claims 3, 5, 6, 7, 8 as well as claims 10, 23-25 under 35 USC 112, 2<sup>nd</sup> paragraph:*

The applicant traverses the Examiner's rejection of the claims under 35 U.S.C. § 112 for indefiniteness.

With reference to claim 3 (and for the sake of convenient and consistent reference the applicant refers to the published application US 2005/0155985 A1) the description relevant to the "heating means 7" is found at numbered paragraph 0018-0020. With regard to claim 3 and the use of the term "polymer thick film material", basis is found at paragraph 0019. With regard to claim 3 and the term "polymer thin film material", the applicant discusses an exemplary "a flexible thin film heater..." at paragraph 0004, as well as exemplifies a "polymer thin film material" in the figures. As would be understood by a skilled artisan, the terms "thick" and "thin" are relative terms when used in the context of the claim.

With reference now to claim 4, applicant clearly recites that the resistive material of the thin film heater can be formed from a resistive ink or, as referred to in claim 5, from a resistive wire, as is mentioned by the applicant at paragraph 0020.

Regarding the objection to claim 6, such is exemplified by the use of laminar layers of resistive ink or resistive wire which finds support in applicant's specification at paragraph 0020.

With regard to the Examiner's rejection of claims 7 and 8 "between 10 and 100 microns", and "20 and 50 microns", the applicant points out that these are narrowed ranges over claims 6 and 1 and thus are supported by the broader disclosure of the latter claims.

With regard to the Examiner's objection to claim 10, said claim has been amended to address and is now believed to overcome the rejection. Similarly, claims 23, 24 and 25

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have also been amended to , these can be met and overcome by amending their dependency to claim 19.

*Regarding the rejection of claims 1-2, 4, 11, 12, 14-18 under 35 USC 102(b) in view of US 5644866 to Katsuda; regarding the rejection of claims 9, 13 and 19-22 under 35 USC 103(a) ) in view of US 5644866 to Katsuda:*

The applicant traverses the rejection of the claims in view of the Katsuda reference.

It is the applicant's position that their invention is novel, as well as nonobvious, over the Katsuda reference. A skilled artisan, in considering Katsuda would understand that Katsuda's device is a battery actuated insecticide "transpirator" which necessarily includes as a heating means an "organic PTC" consisting of a mixture of thermoplastic polyolefin resin and carbon. Apparently, Katsuda's alleged "discovery" is that the use of carbon-based instead of known-art inorganic-material-based PTC materials permitted for the production of a heating means which would operate from storage batteries at between 2-7 volts, and produce a surface temperature in the range of 90-130°C. Apparently Katsuda further "discovered" that such carbon-based PCT materials would be useful as a heating means to volatilize certain insecticide compositions particularly those including those based on pyrethroids (See U.S. 5,644,866, column 2, lines 50-63; column 3, lines 1-29.) Thus, apart from its use in delivering insecticides, and particularly insecticides based on pyrethroids the Katsuda document does appear to be relevant in either purportedly anticipating or for that matter suggesting the applicant's invention.

The Katsuda device can be further distinguished from the applicant's presently claimed invention.

Katsuda appears to only vaguely disclose other forms of positive temperature coefficient thermistors, and it is fair to say that the Katsuda disclosure is properly limited in its scope to only what is actually disclosed as would be understood by a skilled artisan. Specifically Katsuda's disclosure is properly limited to what he actually discloses and

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depicts, namely the embodiments of Figure 3 and Figure 4. Katsuda makes no provision for the use of resistance wires, nor conductive inks nor layers of one or both of these material in his PCT heaters.

Additionally Katsuda appears to disclose a laminate-type of a heater. This is in contrast to the present applicant's invention which, according to certain specific preferred embodiments the applicants disclose an electrically heated apparatus wherein the heating means comprises a flexible thin film heater comprising a laminate having at least one lamina of resistive material and two insulating laminas attached to opposed surfaces of the resistive material laminar. This can be seen from the applicant's specification; e.g. at paragraph 0019, and 0020 further in conjunction with figures 5 and 6.

It also appears that the Katsuda specifically requires a specific arrangement of copper conductors as specifically depicted in order to operate Katsuda's organic PTC heater device within its specified temperature range. Further Katsuda's heater means appears to be an essentially a rigid device which is wholly encased by an external insulating material (11), which is likely to be inflexible.

Further Katsuda device also is clearly limited not only to the delivery of an insecticide to an ambient environment but it also appears that Katsuda is intended to be a device which continuously operates once energized. Katsuda notes this in several places, e.g., column 5, lines 6-11; column 6, lines 58-64. Katsuda does not then disclose nor does he appear to contemplate the use of an intermittent control means whereby user switchable time periods or time intervals can be set.

Katsuda also fails to disclose each of the various embodiments which the applicant discloses particularly, a "top-down" reservoir as shown applicant's figure 1, a flat plate type wick device as shown in figure 2, nor specifically the embodiments which applicant teaches in figures 3 and 4. The applicant disagrees with and traverse's the Examiner's position that such would be trivial design choices in light of Katsuda's device.

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In view of the foregoing, reconsideration of the propriety of the Katsuda reference against the presented claims and the present ground of rejection is requested and withdrawal of that document from further consideration is requested.

Should the Examiner believe that telephonic communication will advance the prosecution of the present application they are invited to telephone the undersigned at their convenience.

Conditional Authorization for Fees

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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